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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,295	02/12/2002	Carl Robert Towns	08513.0001	2451

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EXAMINER

HAMPTON HIGHTOWER, PATRICIA

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,295

Applicant(s)

TOWNS ET AL.

Examiner

Patricia Hightower

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 4-5, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-20, 29-39, 59-78, 90-101 and 113-117 is/are rejected.
- 7) ☒ Claim(s) 4-5, 21-28, 40-58, 79-89, 102-112 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response To Amendment

In view of the applicants' response/amendment filed March 4, 2003 and March 5, 2003, the objection to the specification has been withdrawn, the rejection of claims 42, 43, 45, 48 under 35 USC 112, second paragraph has been withdrawn, the objections to claims 41 and 56 under 37 CFR 1.75(c) have been withdrawn and lastly the rejection of claims 1-2, 18, 55 and 63-65 under 35 USC 102(b) as being anticipated by Holmes et al (WO 96/20253) has been withdrawn.

However, claims 1-3, 6-20, 29-39, 59-78, 90-101 and 113-117 are subject to a new ground of rejection under 35 USC 102(e) as anticipated by Inbasekaran et al (USP 6,353,083 newly cited).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 1711

Claims 1-3, 6-20, 29-39, 59-78, 90-101 and 113-117 are rejected under 35 U.S.C. 102(e) as being anticipated by Inbasekaran et al (USP 6,353,083 newly cited).

Inbasekaran et al (USP 6,353,083 newly cited) discloses a conjugated copolymer comprising monomeric units wherein (a) at least 15% of the monomeric units are derived from monomers selected from the group consisting of 9-substituted fluorene monomers, 9,9-disubstituted fluorene monomers or combinations thereof and (b) at least 10% of the monomeric units comprising two distinct residual monomeric units that have hole transporting properties wherein at least one of said residual monomeric units having hole transporting properties derived from a compound selected from N,N,N'-tetrarylbenzidines, N-substituted carbazoles, diarylsilanes, thiophenes ... and 1,4-dienes without electron-withdrawing substituents; that can be fabricated into films and electronic devices which anticipates the claimed invention. See abstract; col. 1, lines 59 - col. 2, lines 67; cols. 3-9; col. 10, cols 11-12; cols 13-20; claims 1-12.

Claims 4-5, 21-28, 40-58, 79-89, 102-112 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner's suggestion

In claim 92, line 1, the expression "at least", should have been -- at least--.

Applicant's arguments with respect to claims 1-117 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 1711


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Hightower whose telephone number is (703) 308-2434. The examiner can normally be reached on M-F from 9:30 A.M - 6:00 P. M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9311 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

P. Hightower/mn
June 06, 2003

P. Hampton Hightower

 P. Hampton-Hightower
Primary Examiner
Art Unit 1711